

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

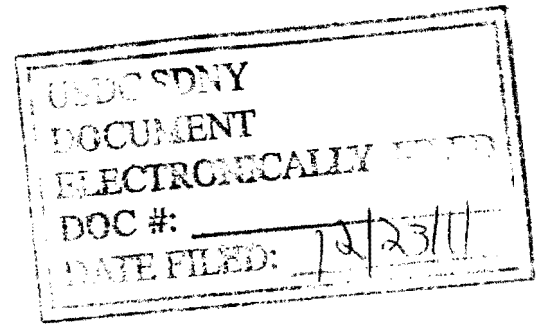
GARY GILLIAN and MILENA CESARSKA on  
behalf of themselves and others similarly situated,

Plaintiffs,

-v-

STARJEM RESTAURANT CORP. d/b/a FRESCO  
BY SCOTTO,

Defendant.



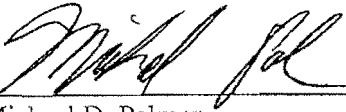
10-cv-6056 (JSR)

**STIPULATION OF DISMISSAL  
WITH PREJUDICE**

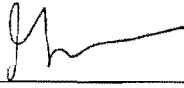
Filed Via ECF

Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii), plaintiffs Gary Gillian, Milena Cesarska, and John Jeffrey Shaw ("Plaintiffs") and defendant Starjem Restaurant Corp. d/b/a Fresco by Scotto ("Defendant") (collectively, "Parties") stipulate to dismissal of this action with prejudice, without costs or attorneys' fees to any party. In support, the Parties state that they: (a) have a *bona fide* dispute regarding the merits of Plaintiffs' claims; (b) desire to resolve that dispute fully and finally without further litigation; (c) have entered into a Settlement Agreement ("Agreement"), including a release of claims; and (d) represent that the Agreement: (i) is fair to all Parties; (ii) reasonably resolves a *bona fide* disagreement regarding the merits of Plaintiffs' claims; and (iii) reflects the good faith intention of the Parties that Plaintiffs' claims be fully and finally resolved, not be subject to appellate review, and not be re-litigated in whole or in part at any time in the future. Counsel for Plaintiffs consents to filing of this stipulation by counsel for Defendant.

Dated: December 18, 2011


By: 

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SO ORDERED:

  
Honorable Jed. S. Rakoff  
United States District Judge

Dated: 12/23/11